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**FILED**  
**ORIGINAL: 53**  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: *af* DEPUTY

Attorneys for Plaintiffs  
BRIAN CONNELLY, MARY ALICIA SIKES, and KEITH MERRITT

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**BRIAN CONNELLY, MARY ALICIA  
SIKES, and KEITH MERRITT on behalf  
of themselves and all others similarly  
situated,**

**Plaintiffs,**

**v.**

**HILTON GRAND VACATIONS  
COMPANY, LLC**

**Defendant.**

**CASE NO. 12CV0599 W-KSC**

**CLASS ACTION COMPLAINT  
FOR DAMAGES AND  
INJUNCTIVE RELIEF PURSUANT  
TO THE TELEPHONE  
CONSUMER PROTECTION ACT,  
47 U.S.C. § 227 ET SEQ.**

**CLASS ACTION**

**JURY TRIAL DEMANDED**

Brian Connelly, Mary Alicia Sikes, and Keith Merritt ("Plaintiffs"), individually and on behalf of all others similarly situated, allege on personal knowledge, investigation of counsel, and on information and belief as follows:

**INTRODUCTION AND NATURE OF ACTION**

1. Plaintiffs bring this action for statutory damages, injunctive relief and any other available legal or equitable remedies, resulting from the illegal actions of Defendant Hilton Grand Vacations Company, LLC, ("Hilton Grand Vacations") in negligently and/or willfully placing calls to Plaintiffs on their cellular telephones without their prior express consent and not for emergency purposes (sometimes referred to herein as "Prohibited Calls"), in violation of the

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2. In 1991, Congress enacted the TCPA in an effort to combat the invasion of privacy faced by everyday Americans who received unwanted calls. In relevant part, the TCPA prohibits the use of an automatic telephone dialing system to call any telephone number assigned to a cellular telephone service absent an emergency purpose or the “prior express consent” of the called party. The Federal Communication Commission (“FCC”), the agency empowered to implement the TCPA, mandates that the burden will be on the caller to show it obtained the necessary prior express consent.<sup>1</sup>

## **JURISDICTION AND VENUE**

3. This Court has jurisdiction under the Class Action Fairness Act of 2005 because Plaintiffs seek up to \$1,500 in statutory damages for each of the hundreds of calls that were placed to their cellular phones in violation of the TCPA, which, when aggregated among a proposed class, numbering in the tens of thousands, easily exceeds \$5,000,000. Additionally, Plaintiff Connelly is a citizen of California, while Defendant Hilton Grand Vacations Company, LLC is a limited liability company organized under the laws of Delaware with its principal place of business in Florida. Finally, Plaintiffs seek to represent numerous class members, who are citizens of various other States.

4. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because the events giving rise to Plaintiff Connelly's claims against Hilton Grand Vacations occurred within the State of California and San Diego County.

<sup>1</sup> In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, 23 F.C.R. 559, at ¶ 10 (2008); see also Gutierrez v. Barclays Group, No. 10-cv-1012-DMS (BGS), 2011 WL 579238, at \*2 (S.D. Cal. Feb. 9, 2011) (placing the burden on the caller to establish prior express consent).

5. Plaintiff Connelly is, and at all times mentioned herein was, an individual citizen of the State of California, and resident of San Diego County. Plaintiff Connelly is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

6. Plaintiff Sikes is, and at all times mentioned herein was, an individual citizen of the State of Pennsylvania, and resident of Bucks County. Plaintiff Sikes is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

7. Plaintiff Merritt is, and at all times mentioned herein was, an individual citizen of the State of New York, and resident of Onondaga County. Plaintiff Merritt is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

8. Defendant Hilton Grand Vacations Company, LLC is a limited liability company organized under the laws of Delaware with its principal place of business in Florida. Defendant Hilton Grand Vacations Company, LLC is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

9. Starting in approximately January 2012, Plaintiff Connelly has received numerous unsolicited calls from Hilton Grand Vacations to his cellular phone (858-XXX-8039). The calls to Plaintiff Connelly were placed by Hilton Grand Vacations from 702-699-7902. However, Hilton Grand Vacation uses numerous numbers to place such telemarketing calls.

10. Starting in approximately January 2012, Plaintiff Sikes has received numerous unsolicited calls from Hilton Grand Vacations to her cellular phone (314-XXX-5278). The calls to Plaintiff Sikes were placed by Hilton Grand Vacations from 407-722-3517. However, Hilton Grand Vacations uses numerous numbers to place such telemarketing calls.

11. Starting in approximately December 2011, Plaintiff Merritt has received numerous unsolicited calls from Hilton Grand Vacations to his cellular phone (315-XXX-4635).

1 The calls to Plaintiff Merritt were placed by Hilton Grand Vacations from 407-722-3517.

2 However, Hilton Grand Vacations uses numerous numbers to place such telemarketing calls.

3 12. Plaintiffs have incurred charges for these calls and the FCC has made clear that  
4 “wireless customers are charged for incoming calls whether they pay in advance or after the  
5 minutes are used.”<sup>2</sup>

6 13. During these calls Hilton Grand Vacations used an “automatic telephone dialing”  
7 as prohibited by 47 U.S.C. § 227(b)(1)(A). The calls had a delay prior to a live person speaking  
8 to Plaintiffs or did not even transfer to a live person (resulting in silence on the other end of the  
9 phone), indicating that Hilton Grand Vacations placed the calls using an automatic telephone  
10 dialing system. On information and belief and investigation of counsel, the equipment used by  
11 Hilton Grand Vacations to place such calls had the capacity to store or produce telephone  
12 numbers and to dial such numbers without any human intervention.

13 14. These calls were for the purpose of telemarketing timeshare vacations or hotel  
14 accommodations and were not for emergency purposes as set forth in 47 U.S.C. § 227(b)(1)(A).

15 15. Plaintiffs did not provide “prior express consent” to receive the calls on their  
16 cellular telephones as set forth in 47 U.S.C. § 227(b)(1)(A). Express consent is “[c]onsent that is  
17 clearly and unmistakably stated.”<sup>3</sup> Plaintiffs never provided their cell phone numbers to Hilton  
18 Grand Vacations and did not otherwise provide consent to receive calls from Hilton Grand  
19 Vacations. Moreover, Plaintiffs never consented to receive calls from Hilton Grand Vacations  
20 through equipment that had the capacity to store or produce telephone numbers to be dialed  
21 without any human intervention.  
22

23 16. These Prohibited Calls placed by Hilton Grand Vacations were in violation of 47  
24 U.S.C. § 227(b)(1).  
25  
26

27 <sup>2</sup> In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act  
28 of 1991, 23 F.C.C.R. 559, at ¶ 7 (2008).

<sup>3</sup> Satterfield v. Simon & Schuster, Inc., 569 F.3d 946, 955 (9th Cir. 2009).

**CLASS ACTION ALLEGATIONS**

17. Plaintiffs bring this action on behalf of themselves and on behalf of and all others similarly situated (the "Class"), as follows:

**All persons within the United States to whom Hilton Grand Vacations has placed a call to said persons' cellular telephone (without their prior express consent and not for emergency purposes) through the use of an automatic telephone dialing system, within the four years prior to the filing of this Complaint.**

18. Hilton Grand Vacations, their employees and other agents, the Judge to whom this action is assigned and any members of the Judge's staff, and claims for personal injury and/or emotional distress are excluded from the Class. Plaintiffs reserve the right to expand the Class definition to seek recovery on behalf of additional persons as warranted as facts are learned in further investigation and discovery.

19. Plaintiffs do not know the number of members in the Class but believe, based on Hilton Grand Vacations' market share and investigation of counsel, that the number is in the tens of thousands, if not substantially higher. Thus, joinder of all Class members is impractical due to the size and relatively small value of each member's claim.

20. Indeed, the Internet is replete with discussions between numerous members of the Class — all desperate to end Hilton Grand Vacations' unsolicited calls. The following is a sampling, evidencing Hilton Grand Vacations' egregious violations of the TCPA, the invasion of privacy suffered by members of the Class, the numerosity of the class, the commonality of the issues and the typicality of Plaintiffs as a class representatives:

Jim

4 Apr 2007

Extremely rude and aggressive Hilton employee called me on my cell phone trying to sell me a Vegas vacation and time share. I called Hilton and had them take me off their

1 solicitation list.

2 <http://800notes.com/Phone.aspx/1-702-616-7394>

3 Tracker

4 6 Apr 2009

5 Repeated calls to my work mobile number over the last 2 weeks. This is disturbing to me  
6 as a Hilton Gold member since I already specifically requested TWICE to be on their  
7 Hilton Grand Vacations Do Not Call list, and Hilton confirmed it...and then chose to  
8 reverse my request. A while back, they were calling me from FL number 407-532-3791.

9 In May 2008, it was from 407-722-3532. Now, the calls are coming from this new Las  
10 Vegas area number.

11 <http://800notes.com/Phone.aspx/1-702-616-7396/22>

12 Dallas

13 11 Feb 2009

14 Receiving multiple calls daily! Finally, answered today only to receive silence. Call  
15 702-616-7396 and received a Hilton Grand Vacations message allowing me to press 2 to  
16 remove my phone number from the list. Courteous individual took my call, asked for my  
17 phone number, and provided me with a confirmation #. Said it would take up to 72 hours  
18 to removed and apologized. When asked why there was silence on the phone today, he  
19 honestly stated that the calls are computer generated and, at times, when one answers, it  
20 may not go through to an agent. I do have a Hilton Honors accounts so perhaps this is  
21 why they have my number.

22 <http://800notes.com/Phone.aspx/1-702-616-7396/21>

23 sg

24 14 Sep 2009

25 I, too, got a call on my cell phone from Hilton Grand Vacations, purportedly a wrong  
26 number for someone I've never heard of. This has happened to me before: "Well, sorry to  
27  
28

1       bother you, but since I have you on the line, would you be interested ... ?" etc.

2       <http://800notes.com/Phone.aspx/1-702-699-7904/4>

3       Terence

4       9 Aug 2010

5       Called on my cell phone, kept asking me to buy vacations. very persistent, won't take no  
6       for an answer. Reported to National do not call register

7       <http://800notes.com/Phone.aspx/1-702-699-7924>

8       RTC

9       26 Aug 2010

10       Missed several calls on my cell from this number while on vacation, never left a message.  
11       Finally picked up today while driving home. Very persistent telemarketer offering "free  
12       trip to Vegas."

13       <http://800notes.com/Phone.aspx/1-702-699-7924/2>

14       suzanne

15       20 Sep 2010

16       Got a call today on my "new" cell phone! Asked for someone other than me. I told them  
17       they had the wrong number and she proceeded to tell me about a vacation something or  
18       other. I again told her she had the wrong number and she said "Well, maybe you would be  
19       interested". I told her NO I was not and to remove me from her calling list. HOPE SHE  
20       DOES NOT CALL BACK! My phone calls are NOT FREE or unlimited!

21       <http://800notes.com/Phone.aspx/1-702-699-7926/2>

22       M&T

23       20 Jan 2011

24       I just received a call on my cell phone. They are from Hilton Hotels trying to sell a  
25       package vacation to stay in Las Vegas. Basically trying to push a timeshare.

26       <http://800notes.com/Phone.aspx/1-702-699-7929/5>



1           21.    The members of the Class share well defined, nearly identical, questions of law  
2 and fact, which predominate over questions that may affect individual members of the Class.

3 These common questions of law and fact include:

4           a.    Whether, within the four years prior to the filing of this Complaint, Hilton Grand  
5 Vacations has placed any calls (other than a call made for emergency purposes or made  
6 with the prior express consent of the called party) using any automatic telephone dialing  
7 system or an artificial or prerecorded voice to any telephone number assigned to a  
8 cellular telephone service.

9           b.    Whether Hilton Grand Vacations' conduct was a negligent violation of the TCPA.

10          c.    Whether Hilton Grand Vacations' conduct was knowing and/or willful violation  
11 of the TCPA.

12          d.    Whether Hilton Grand Vacations can meet their burden of proving that they  
13 obtained prior express consent for such calls to members of the Class.

14          e.    Whether Hilton Grand Vacations should be enjoined from placing such calls in  
15 the future.

16  
17          22.    The Class is ascertainable and can be identified through Hilton Grand Vacations'  
18 records.

19          23.    Plaintiffs and members of the Class are entitled to statutory damages as provided  
20 for under the TCPA.

21          24.    As persons that received numerous calls using an automatic telephone dialing  
22 system from Hilton Grand Vacations, Plaintiffs are asserting claims that are typical of the Class.

23          25.    Plaintiffs will fairly and adequately represent and protect the interests of the Class  
24 in that Plaintiffs have no interests antagonistic to any member of the Class.

25          26.    Plaintiffs and the members of the Class have all suffered harm as a result of  
26 Hilton Grand Vacations' unlawful and wrongful conduct. Absent a class action, members of the  
27 Class will continue to face the potential for irreparable harm. In addition, these violations of law  
28



1 will be allowed to proceed without remedy and Hilton Grand Vacations will likely continue such  
2 illegal conduct. Class-wide damages are essential to induce Hilton Grand Vacations to comply  
3 with federal law.

4 27. Because of the size of the individual class member's claims, few, if any, class  
5 members could afford to seek legal redress for the wrongs complained of herein.

6 28. Plaintiffs have retained counsel experienced in handling class action claims and  
7 claims involving violations of the TCPA.

8 29. A class action is a superior method for the fair and efficient adjudication of this  
9 controversy.

10 30. Hilton Grand Vacations has acted on grounds generally applicable to the Class  
11 and evidence of Hilton Grand Vacations' TCPA violations can be determined on a class-wide  
12 basis.

13 **FIRST CLAIM**

14 **(NEGLIGENT VIOLATIONS OF THE TCPA)**

15  
16 31. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint  
17 as though fully stated herein.

18 32. The forgoing acts and omissions of Hilton Grand Vacations constitutes numerous  
19 and multiple negligent violations of the TCPA, including but not limited to each and every one of  
20 the above-cited provisions of 47 U.S.C. § 227 et seq.

21 33. As a result of Hilton Grand Vacations' negligent violations of 47 U.S.C. § 227 et  
22 seq., Plaintiffs and each of the members of the Class are entitled to statutory damages of \$500 for  
23 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

24 34. Plaintiffs and the members of the Class are also entitled to and seek injunctive  
25 relief prohibiting such conduct in the future.

**SECOND CLAIM**

**(KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA)**

35. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

36. The foregoing acts and omissions of Hilton Grand Vacations constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et seq.

37. As a result Hilton Grand Vacations' knowing and/or willful violations of 47 U.S.C § 227 et seq., Plaintiffs and each of the members of the Class are entitled to treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

38. Plaintiffs and the members of the Class are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**PRAYER FOR RELIEF**

39. WHEREFORE, Plaintiffs respectfully request the Court grant Plaintiffs and the members of the Class the following relief against Hilton Grand Vacations:

a. An Order, pursuant to Federal Rule of Civil Procedure 23(c) and (g), certifying the proposed Class and appointing Plaintiffs' undersigned counsel of record to represent the Class.

b. An Order issuing an injunction, pursuant to 47 U.S.C. § 227(b)(3)(A), enjoining Hilton Grand Vacations from placing any further Prohibited Calls to members of the Class and complying with the TCPA.

c. As a result of Hilton Grand Vacations' negligent violations of 47 U.S.C. § 227(b)(1), Plaintiffs seek for themselves and each member of the Classes \$500 in statutory damages, for each and every violation (each Prohibited Call placed), pursuant to 47 U.S.C. § 227(b)(3)(B).


- 1 d. As a result of Hilton Grand Vacations' willful and/or knowing violation of 47  
2 U.S.C. § 227(b)(1), Plaintiffs seek for themselves and each member of the Class treble  
3 damages, as provided by statute, up to \$1,500 for each and every violation (each  
4 Prohibited Call placed), pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §  
5 227(b)(3)(C).  
6 e. An award of attorneys' fees and costs to counsel.  
7 f. Such other relief as the Court deems just and proper.  
8

9 **TRIAL BY JURY**

10 40. Plaintiffs demand a jury trial on all claims  
11

12 MATHEWS LAW GROUP  
13

14 Dated: March 8, 2012

15 By:   
16 Charles T. Mathews,  
17 Attorney for Plaintiffs  
18 BRIAN CONNELLY, MARY SIKES, KEITH  
19 MERRITT, and the Proposed Class  
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JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

BRIAN CONNELLY, MARY ALICIA SIKES, and KEITH MERRITT

(b) County of Residence of First Listed Plaintiff San Diego County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MATHEWS LAW GROUP, 2596 Mission Street, Suite 204 San Marino, CA 91108, (626) 683-8291

## DEFENDANTS

HILTON GRAND VACATIONS COMPANY, LLC

CLERK, U.S. DISTRICT COURT  
County of Residence of First Listed Defendant Orange County (Florida)  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

12CV0599 W-KSC

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (JMD)  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |  |   |  |
|---|--|---|--|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> DEF <input type="checkbox"/> | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> DEF <input type="checkbox"/>              |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2                | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 (JMD) |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3                | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6                  |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions					

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Telephone Consumer Protection Act, 47 U.S.C. section 227 et seq. 28:1331 - Fed. Ques.

Brief description of cause:

Defendant negligently and/or willfully placing calls to Plaintiffs on their cell phones without consent.

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/08/2012

SIGNATURE OF ATTORNEY OF RECORD

Charles T. Mathews

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

350.00

APPLYING IFP

JUDGE

MAG. JUDGE

NK 3/9/12

Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS036375  
Cashier ID: msweeney  
Transaction Date: 03/09/2012  
Payer Name: CONNELLY, ET AL V HILTON

-----  
CIVIL FILING FEE

For: CONNELLY, ET AL V HILTON  
Case/Party: D-CAS-3-12-CV-000599-001  
Amount: \$350.00

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CHECK

Check/Money Order Num: 3433  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

There will be a fee of \$53.00  
charged for any returned check.